

# BEST AVAILABLE COPY

Re: Patent Application

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/772,659  
First Named Inventor: Edward L. Taylor  
5 Filed : February 5, 2004  
TC/A.U. : 3671  
Examiner : Nathan Scott Mammen  
Docket no. : A3,109  
For : LAND PLANE

Confirmation No. 5570

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450,

on 9/19/2005  
Russell H. Walker  
Russell H. Walker Reg. No.: 35,401  
Date: 9/19/2005

10 COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

### DECLARATION OF EDWARD L. TAYLOR

#### UNDER 37 C.F.R. § 1.131

15 I, Edward L. Taylor, the undersigned, hereby declare as follows:

1. I am an inventor of the instant above-identified U.S. Patent Application No. 10/772,659 for a land plane, and I am familiar with the specification and claims of that patent application as now of record.

2. Johnny W. Taylor and I conceived of the invention described and claimed in  
20 the above-identified U.S. patent application, Application No. 10/772,659 for a land plane, by forming in our minds a definite and permanent idea of the complete and operative invention described and claimed in the above-identified U.S. patent application, Application No. 10/772,659, at least as early as February 6, 2003, as evidenced by a notarized disclosure dated February 7, 2003, entitled "LAND  
25 SMOOTHER," signed by Johnny W. Taylor and me, Edward L. Taylor (a copy being attached hereto as Exhibit A); a first drawing prepared prior to September 16, 2003, and

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entitled "OFFSET WING LAND SMOOTHER HYDRAULIC FOLD" (a copy being attached hereto as Exhibit B); and a second drawing prepared prior to September 16, 2003, and also entitled "OFFSET WING LAND SMOOTHER HYDRAULIC FOLD" (a copy being attached hereto as Exhibit C). That land plane, as conceived at least as early as February 6, 2003, and as evidenced by the attached Exhibits A, B and C, included:

(a) a main frame including a front end, a rear end, a first side, and a second side;

(b) a first wing frame attached to the first side of the main frame adjacent the front end of the main frame;

(c) a second wing frame attached to the second side of the main frame adjacent the rear end of the main frame;

(d) a V-shaped scraper blade means having an apex and mounted beneath the main frame with the apex adjacent the front end of the main frame substantially centered between the first and second sides of the main frame;

(e) a first transverse scraper blade means mounted beneath the main frame, the first wing frame, and the second wing frame; the first transverse scraper blade means extending diagonally from the first wing frame across the main frame to the second wing frame; the first transverse scraper blade means having a gap adjacent the second side of the main frame; and

(f) a second transverse scraper blade means mounted beneath the main frame, the first wing frame, and the second wing frame; the second transverse scraper blade means being parallel to and spaced rearwardly from the first transverse scraper blade means, and extending diagonally from the first wing frame across the main frame to the second wing frame.

3. Johnny W. Taylor and I reduced the invention described and claimed in the

above-identified U.S. patent application, Application No. 10/772,659 for a land plane, to actual practice by building and satisfactorily testing that land plane by pulling that land plane with a tow vehicle over a field to smooth and level any irregularities in the surface of the field, prior to September 16, 2003, as evidenced by a first photograph taken prior to September 16, 2003, and showing an overall view of that land plane (a copy being attached hereto as Exhibits D); and a second photograph taken prior to September 16, 2003, and showing a detailed view of the apex of the V-shaped scraper blade means of that land plane mounted to and beneath the main frame thereof with the apex adjacent the front end of the main frame substantially centered between the first and second sides of the main frame, and a hydraulic cylinder between the hitch and the top of the front end of the main frame (a copy being attached hereto as Exhibits E). That land plane, as reduced to practice by me and Johnny W. Taylor at least as early as June, 2003, and as evidenced by the attached Exhibits D and E, included:

(a) a main frame including a front end, a rear end, a first side, and a second side;

(b) a first wing frame pivotally attached to the first side of the main frame adjacent the front end of the main frame;

(c) hydraulic means for causing the first wing frame to pivot between a raised position and a deployed position;

(d) a second wing frame pivotally attached to the second side of the main frame adjacent the rear end of the main frame;

(e) hydraulic means for causing the second wing frame to pivot between a raised position and a deployed position;

(f) a V-shaped scraper blade means having an apex and mounted to and beneath the main frame with the apex adjacent the front end of the main frame substantially

centered between the first and second sides of the main frame;

(g) a first transverse scraper blade means mounted to and beneath the main frame, the first wing frame, and the second wing frame; the first transverse scraper blade means extending diagonally from the first wing frame across the main frame to the second wing frame; the first transverse scraper blade means having a gap adjacent the second side of the main frame; the first transverse scraper blade means includes a first scraper blade mounted to and beneath the first wing frame, a main scraper blade mounted to and beneath the main frame, and a second scraper blade mounted to and beneath the second wing frame with the gap of the first transverse scraper blade means formed between the main and second scraper blades;

(h) a second transverse scraper blade means mounted to and beneath the main frame, the first wing frame, and the second wing frame; the second transverse scraper blade means being parallel to and spaced rearwardly from first transverse scraper blade means, and extending diagonally from the first wing frame across the main frame to the second wing frame; the second transverse scraper blade means including a first scraper blade mounted to and beneath the first wing frame, a main scraper blade mounted to and beneath the main frame, and a second scraper blade mounted to and beneath aid second wing frame;

(i) a hitch attached to the top of the front end of the main frame for allowing the land plane to be hitched to the tow vehicle; and

(j) a hydraulic cylinder between the hitch and the top of the front end of the main frame.

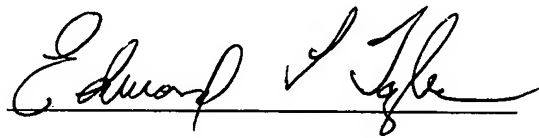
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The undersigned declarant further states that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true, and acknowledges that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the

5 application or any patent issuing thereon.

Date:

9-14-08

A handwritten signature in cursive script, appearing to read "Edward L. Taylor", written over a horizontal line.

Edward L. Taylor

## LAND SMOOTHER

DATE: February 7, 2003  
SUBJECT: Land Plane or Land Smoother for Johnny W. Taylor or Edward L. Taylor  
PURPOSE: Patenting Purposes

### FEATURES OF OFF-SET WINGS LANDPLANE - *HYDRAULIC FOLD*

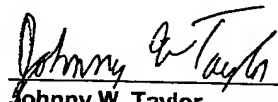
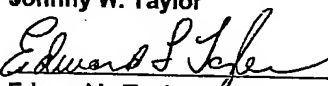
- ✓ 1.) Off-Set Wings
- 2.) Right Side - Front Wings 9 feet from the main frame
- 3.) Left Side - Back from main frame - 9 feet wings
- 4.) Main Frame - Will be 40 feet long, 16 feet wide, 3/8 = 4" X 8" tubing
- ✓ 5.) Overall Width is 34 feet

### DIFFERENCES BETWEEN ORINIGAL LANDPLANE AND OFF-SET WINGS LANDPLANE

- 1.) Original pulls from ground level while Off-Set LandPlane pulls from the top of frame (not bottom)

### DOCUMENTATION

On February 6, 2003, we introduced the Off-Set Wings LandPlane to a couple of businessmen from our area. Kenny Cook of Hunter, AR said "It looks good and needs to be protected." And Pat Ballard of Ballard Manufacturing in Hickory Ridge, AR said "Looks better than I ever thought. Get a patent on it."

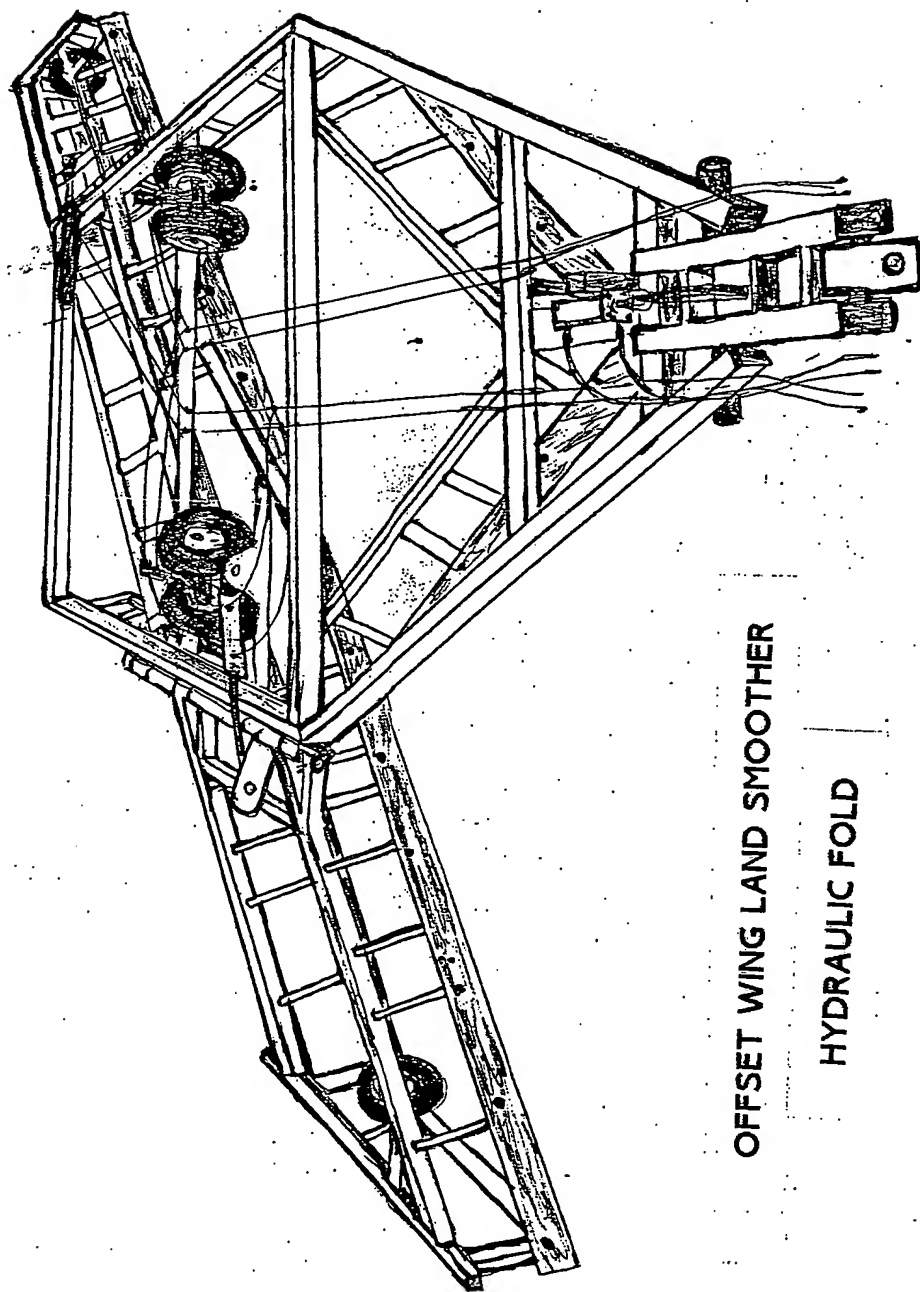
  
\_\_\_\_\_  
Johnny W. Taylor  
  
\_\_\_\_\_  
Edward L. Taylor

Notary:

  
\_\_\_\_\_  
Betty N. Thompson

My Commission Expires:

8/26/2012

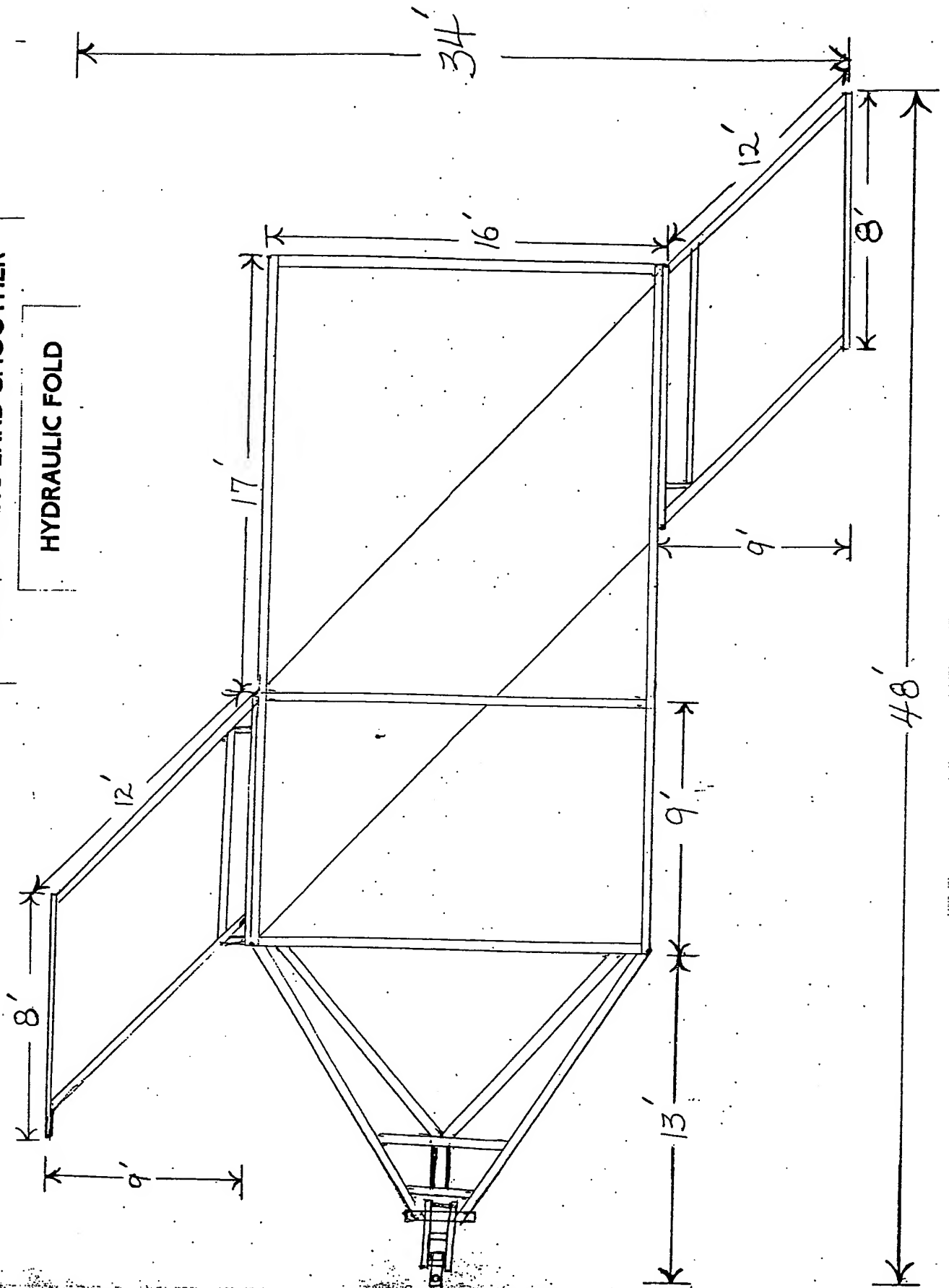


OFFSET WING LAND SMOOTHER

HYDRAULIC FOLD

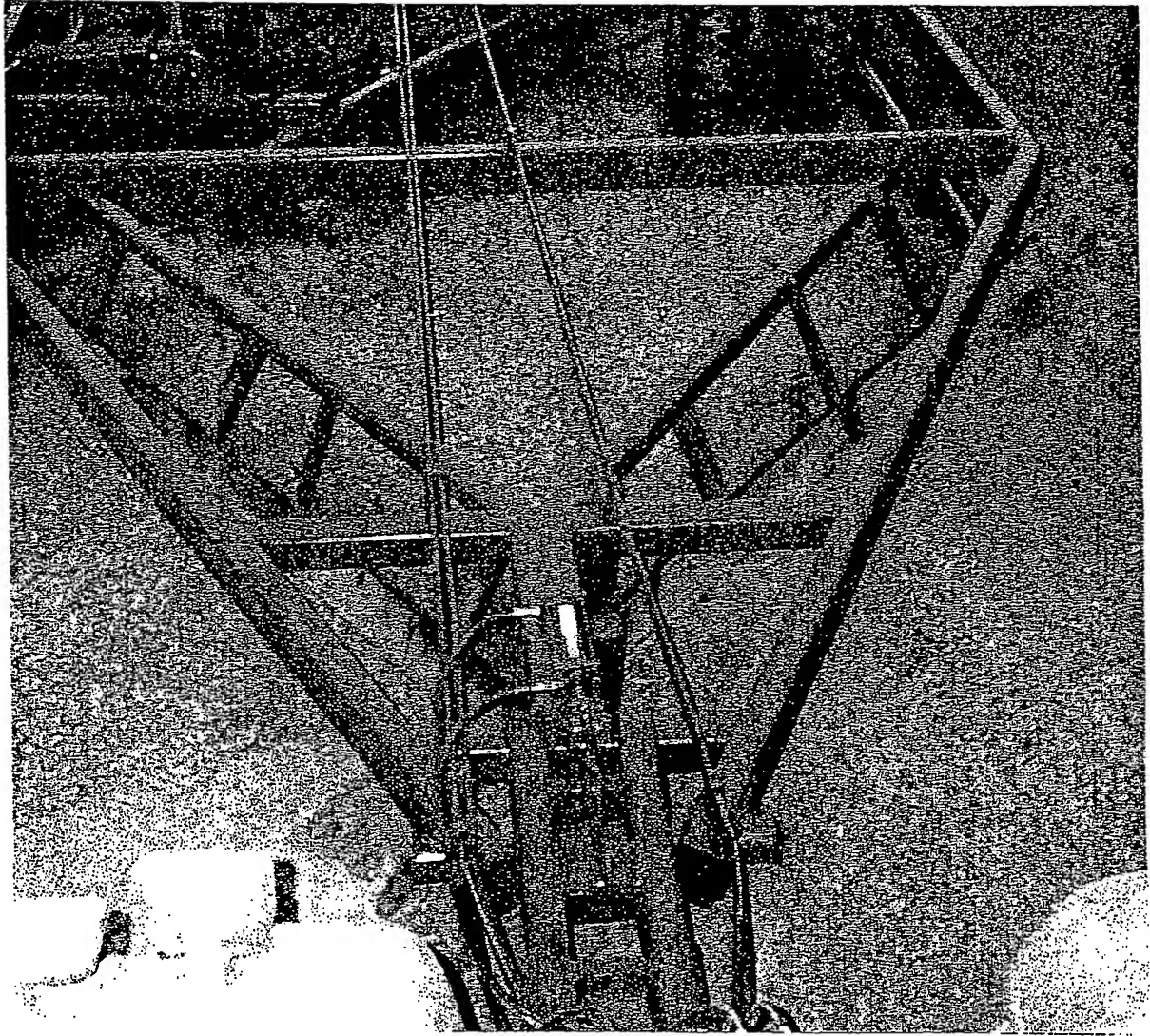
OFFSET WING LAND SMOOTHER

HYDRAULIC FOLD









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